

**ASSEMBLY BILL**

**No. 1284**

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**Introduced by Assembly Member Huffman**  
**(Coauthor: Assembly Member Lieu)**  
(Coauthor: Senator Harman)

February 27, 2009

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An act to amend Section 11834.03 of the Health and Safety Code, relating to alcohol and drug abuse treatment facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1284, as introduced, Huffman. Substance abuse: adult recovery maintenance facilities.

Under existing law, the State Department of Alcohol and Drug Programs licenses adult alcoholism or drug abuse recovery or treatment facilities. Existing law permits a license to be issued to programs that meet criteria that include the filing of an application and an approved fire clearance. Existing law allows the department to issue a license to a facility wherein separate buildings or portions of a residential facility are integral components of a single alcoholism or drug abuse recovery or treatment facility and all of the components of the facility are managed by the same licensee if the applicant meets specified requirements.

This bill would require the department to provide a specified notice to a city or county planning agency if the approval of a license would result in the licensure of a facility that has the same owner or manager as an existing facility that is within 300 feet of, and is operated as an integral component of, the proposed facility. The bill would authorize the department to, among other things, impose specified health and

safety requirements or deny licensure based upon overconcentration of facilities or conditions of local need.

The bill would enact procedures permitting the city or county to file objections to approval of the license.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11834.03 of the Health and Safety Code  
2 is amended to read:

3 11834.03. (a) Any person or entity applying for licensure shall  
4 file with the department, on forms provided by the department, all  
5 of the following:

6 ~~(a)~~

7 (1) A completed written application for licensure.

8 ~~(b)~~

9 (2) A fire clearance approved by the State Fire Marshal or local  
10 fire enforcement officer.

11 ~~(c)~~

12 (3) A licensure fee, established in accordance with Chapter 7.3  
13 (commencing with Section 11833.01).

14 (b) *If the approval of a license would result in licensure of a*  
15 *facility that has the same owner or manager as an existing facility*  
16 *licensed under this chapter and that is within 300 feet of, and is*  
17 *operated as an integral component of, the proposed facility, the*  
18 *department shall, prior to issuing a license, provide notice by*  
19 *registered mail of receipt of the application to the appropriate city*  
20 *or county planning agency that has jurisdiction over the area*  
21 *where the proposed facility is located. The city or county planning*  
22 *agency shall have not more than 30 days to provide the department*  
23 *with any objections to the issuance of the license. Upon completion*  
24 *of that 30-day period, the department may, consistent with federal*  
25 *law, do any of the following:*

26 (1) *Issue the license without conditions.*

27 (2) *Impose requirements for the health and safety of the residents*  
28 *of the proposed facility as a condition of licensure. The*  
29 *requirements may include compliance with federal and state*  
30 *requirements for accessibility by a person with a disability.*

1     (3) *Deny licensure of the proposed facility if the location of the*  
2 *proposed facility would result in or exacerbate the*  
3 *overconcentration of facilities within a particular area or when*  
4 *the numbers and types of alcoholism or drug abuse recovery or*  
5 *treatment facilities are sufficient to be commensurate with the*  
6 *local need.*

7     (c) *If a city or county has filed objections pursuant to subdivision*  
8 *(b), and the department has approved the proposed facility's*  
9 *license, the city or county may appeal the issuance of the license*  
10 *within 30 days of the decision. If the city or the county can*  
11 *demonstrate that the department did not adequately address the*  
12 *lawful objections to the issuance of the license raised by the city*  
13 *or county, the department shall reconsider those objections.*